

REMARKS

This communication is in response to the outstanding Office Action in this matter, which was mailed on January 22, 2009. In the Action claims 1-35 were pending and all of the pending claims were rejected. By this response, claims 1-2, 11, 19, 24, and 29 are amended. Applicants respectfully submit that, in view of the claim amendments and remarks herein, claims 1-35 are in condition for Allowance.

Claim Rejections 35 U.S.C. § 112

Claims 1-10 stand rejected under 35 U.S.C. § 112, second paragraph as allegedly being indefinite. Applicants have amended claims 1, 2, 7 to address the alleged indefiniteness. In view of the amendments, Applicants submit that claims 1-10 particularly point out and distinctly claim their patentable subject matter.

Claims 11-18 stand rejected under 35 U.S.C. § 112, second paragraph as allegedly being indefinite. Applicants respectfully traverse the rejection. Claim 11 is an independent claim that is directed toward a “computer implemented method of soliciting a response”. The Office Action points out that claim 11 does not recite the response in the body of the claim. However, Applicants respectfully submit that a mere solicitation of a response does not necessitate that there is a response. The claim is not directed toward preparing a response or receiving a response, it is merely directed toward soliciting a response. Therefore, Applicants submit that it is not necessary to recite a response for claim 11 to be definite under 35 U.S.C. § 112, second paragraph.

The Office Action asserts that claim 19 lacks sufficient antecedent basis for the term “from the requestors”. Applicants have amended claim 19 to address the assertion. Withdrawal of the rejection is respectfully requested.

Claim Rejections 35 U.S.C. § 101

Claims 1-10 and 19-23 stand rejected under 35 U.S.C. § 101. Claims 1 and 19 are independent claims and have been amended to positively recite accessing information that is stored in a data store on a computer storage media. Applicants submit that these limitations provide sufficient ties of a machine to a process so that the claims are directed toward statutory subject matter under 35 U.S.C. § 101.

Claims 24-35 stand rejected under 35 U.S.C. § 101 as allegedly being directed to software, per se. Of these claims, claims 24 and 29 are independent claims and have been amended. Applicants respectfully submit that each of the independent claims 24 and 29 recite accessing information on a computer storage medium and, as such, are not directed toward software per se. Therefore, Applicants submit that the claims are directed toward statutory subject matter under 35 U.S.C. § 101. Withdrawal of the rejection is respectfully requested.

Claim Rejections 35 U.S.C. § 103

Claims 1-6, 8-19, and 21-35 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent Publication No. 2002/0052807 of Han et al. (hereinafter “Han”) in view of a publication of Ferguson entitled, “Special Edition Using Microsoft SharePoint Portal Server”. Of these claims, claims 1, 11, 19, 24, and 29 are independent claims. Applicants respectfully disagree with the rejections.

Claim 1 is directed toward a computer implemented method of responding to a request for a supplier quotation (RFQ). The method includes accessing an index having a plurality of entries, identifying an RFQ for reply by selecting an entry in the index, retrieving the identified RFQ, and generating a reply. The index is stored on a first data store and each entry in the index includes identification information related to a RFQ. The RFQ itself is stored on a second data store remote from the first data store. Once the RFQ is identified by selecting an entry in the index, the RFQ is retrieved from the second data store and a reply is generated.

The Office Action admits that Han fails to teach or suggest retrieving an RFQ from a data store located remote from the index. Applicants respectfully submit that Han further fails to teach accessing an index of the type recited in claim 1. The Office Action relies on paragraphs 93 and 104-106 to assert that Han teaches said index. However, Applicants do not see said index taught here. In paragraph 93, Han discusses the creation of an RFQ, including allowing multiple people to upload appropriate files “for their portion of the RFQ”. There is no discussion of any index in paragraph 93 with entries that each include an identification information related to one of a plurality of RFQs. In paragraphs 104-06, Han discusses index server technology, but does not discuss an index of the type recited in claim 1. Further review of the Han reference shows an index server that is designed to access files on an application server (see Han, FIG. 4). The index server is capable of accessing files on the application server, which is apparently local to the index server but there is no apparent indication that the index server is capable of accessing or has identification information stored relative to any RFQs stored at one of a plurality of data stores remotely located from the first data store. Thus, Applicants respectfully disagree that Han teaches an index of the type recited in claim 1.

Even assuming, *arguendo*, that Han teaches the server recited in claim 1, it is admitted, as mentioned above, that Han fails to teach or suggest retrieving an RFQ from a data store remote from the RFQ. However, the Office Action asserts that Ferguson teaches retrieving information from a data store located at one of the plurality of requesters located remote from a location of the index. Applicants respectfully disagree. The Ferguson reference discusses an index, which is apparently accesses remote sites and creates copies locally of data at the remote sites so that the data can be searched locally. Ferguson calls the database an “index”, however, this is not the type of index that is recited in claim 1. In claim 1, the index recited as having entries each including identification information for RFQs. Once the RFQ is identified for replay, the method of claim 1 retrieves the identified RFQ from the second data store, which is remote from the index. Ferguson does not teach that information is retrieved from the index and then, once identified in the index, the RFQ or any other information is retrieved from a second

data store. Combining the Han and Ferguson references would still have all of the RFQ information stored locally, so that a method of responding to an RFQ includes accessing information only from data stores that are local to an index. This is apparent in Ferguson, where the references discusses the need to update the local index periodically, otherwise the data retrieved from the index could be out of date and inaccurate. In other words, finding information in the Ferguson index does not include accessing the original source of the information in response to a request for information. The original sources are only apparently accessed as a separate process to update information and not in response to an identification of an RFQ. Therefore, Applicants respectfully submit that the combination of the Han and Ferguson references do not teach or suggest the features recited in claim 1.

Claim 11 is directed toward a computer implemented method of soliciting a response to a request for supplier quotation. The method includes entering the job information into a predetermined RFQ template, saving the RFQ template at a predetermined location in a data store local to a computer system at the requester, such that the RFQ template is exposed for downloading to a supplier for generation of a reply; and sending indexing information for computer implemented indexing of the RFQ template to an index remote from the computer system of the requester when the RFQ template is saved without prompting from the remote index.. The Office Action admits that Han fails to teach or suggest saving RFQs at a predetermined location such that the RFQ is exposed for downloading to a supplier for generation of a reply. Applicants also submit that Han fails to teach or suggest sending indexing information to an index remote from the computer system of the requester. As discussed above, the Han reference has no apparent interaction with RFQs stored at remote locations. Furthermore, neither Han nor Ferguson teaches sending indexing information to a remote index without prompting from the index.

Independent claims 19, 24, and 29 have been amended to include features substantially similar to the feature of receiving indexing information for each RFQ from the requester without prompting of the requester. As with claim 11, the combination of Han and Ferguson do not teach

the recited feature in each of these claims. Therefore, Applicants submit that claims 11, 19, 24, and 29 are allowable over the cited references. Claims 2-6, 8-10, 12-18, 21-23, 25-28, and 30-35 dependent from one of the previously discussed independent claims and are believed to be allowable based at least on their dependence on an allowable base claim. Withdrawal of the rejection is respectfully requested.

Claims 7, 16-18 and 33-35 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Han, in view of Ferguson and further in view of U.S. Patent Publication No. 2002/0143692 of Heimermann et al. Applicants submit that each of these claims depend from an allowable base claim, as discussed above. Therefore, Applicant submits that claims 7, 16-18 and 33-35 are allowable and respectfully requests that the rejection be withdrawn.

Summary

All of the pending claims are in condition for Allowance. Applicants respectfully request a Notice of Allowance. The Director is authorized to charge any fee deficiency required by this paper or credit any overpayment to Deposit Account No. 23-1123.

Respectfully submitted,

WESTMAN, CHAMPLIN & KELLY, P.A.

By: /Joseph R. Kelly/
Joseph R. Kelly, Reg. No. 34,877
900 Second Avenue South, Suite 1400
Minneapolis, Minnesota 55402-3319
Phone: (612) 334-3222 Fax: (612) 334-3312